

1 THE HONORABLE JOHN C. COUGHENOUR
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7 UNITED STATES DISTRICT COURT
8 WESTERN DISTRICT OF WASHINGTON
9 AT SEATTLE

10 DODO INTERNATIONAL INC., *et al.*,

11 Plaintiffs,

v.

12 RICHARD PARKER, *et al.*,

13 Defendants.

CASE NO. C20-1116-JCC

ORDER

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15 This matter comes before the Court on Plaintiffs' motion to extend deadlines (Dkt. No.
16 93). Having thoroughly considered the parties' briefing and the relevant record, the Court hereby
17 DENIES the motion for the reasons explained herein.

18 Plaintiffs' counsel asks the Court to extend all deadlines in the scheduling order, arguing
19 he is unable to complete discovery before the cut-off deadline because of high staff turnover at
20 his office. (Dkt. No. 93 at 4.) Defendants Paul Donion and Law Offices of Paul M. Donion
21 oppose, arguing Plaintiffs have exhibited "no diligence whatsoever" in conducting discovery.
22 (Dkt. No. 94 at 4.)

23 Parties are bound by the dates specified in the scheduling order. LCR 16(b)(6). Although
24 the schedule may be amended for good cause, "mere failure to complete discovery within the
25 time allowed does not constitute good cause for an extension or continuance." *Id.* In determining
26 "good cause," the Court primarily looks at the diligence of the party seeking the amendment.

Johnson v. Mammoth Recreations, Inc., 975 F.2d 604, 609 (9th Cir. 1992).

Plaintiffs' counsel asserts he has diligently reached out to Defendants' counsel, citing e-mails sent within the last three weeks. (*See* Dkt. No. 96.) However, the Court issued a scheduling order over seven months ago. (*See* Dkt. No. 88.) A few attempts to initiate correspondence with Defendants just a month before the discovery cut-off hardly proves that Plaintiffs' counsel was diligent in seeking discovery. (*See* Dkt. No. 96.) Moreover, counsel's argument that his office has had high turnover does not excuse his apparent lack of personal action in this case. (Dkt. No. 93 at 3–4.)

Accordingly, the Court concludes Plaintiffs' counsel has failed to establish good cause for modifying the case schedule. The motion to extend deadlines (Dkt. No. 93) is DENIED.

DATED this 21st day of October 2022.

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John C. Coughenour
UNITED STATES DISTRICT JUDGE